

State Water Resources Control Board

Division of Drinking Water

February 6, 2019

System No. 3500927

Mr. Jonathan Denison, Manager
Enza Zaden Research Inc.
525 Lucy Brown Lane
San Juan Bautista, CA 95045

CITATION NO. 02_05_19C_005

TOTAL COLIFORM RULE MONITORING AND REPORTING VIOLATION FOR DECEMBER 2018

Enclosed is Citation No. 02_05_19C_005 (hereinafter "Citation"), issued to Enza Zaden Research Inc. (hereinafter "Enza Zaden"), public water system. Please note that there are legally enforceable deadlines associated with this Citation.

Enza Zaden will be billed at the State Water Resources Control Board's (hereinafter "State Water Board"), hourly rate for the time spent on issuing this Citation. California Health and Safety Code, (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a citation. At this time, the State Water Board has spent approximately two hours on enforcement activities associated with this violation.

Enza Zaden will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on Enza Zaden for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

If you have any questions regarding this matter, please contact Shaminder Kler of my staff at (831) 655-6938 or me at (831) 655-6939.

Sincerely,



Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
Northern California Field Operations Branch
Division of Drinking Water

Enclosures

Certified Mail No. 7008-1830-0004-5435-1322

Email cc: San Benito County Environmental Health Service
Russ Hatch, Water System Manager: mcsiwatermanager@gmail.com

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Enza Zaden Research Inc.

Water System No: 3500927

Attention: Mr. Jonathan Denison, Manager
Enza Zaden Research Inc.
525 Lucy Brown Lane
San Juan Bautista, CA 95045

Issued: February 6, 2019

**CITATION FOR NONCOMPLIANCE WITH
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64424(a)**

**TOTAL COLIFORM MONITORING VIOLATION
DECEMBER 2018**

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Water Board"), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with

1 Section 116270), or any regulation, standard, permit, or order issued or
2 adopted thereunder.

3
4 The State Water Board, acting by and through its Division of Drinking Water
5 (hereinafter "Division"), and the Deputy Director for the Division, hereby
6 issues Citation No. 02_05_19C_005 (hereinafter "Citation"), pursuant to
7 Section 116650 of the CHSC to the Enza Zaden Research Inc. (hereinafter
8 "Enza Zaden"), for violation of CHSC, Section 116555(a)(1) and California
9 Code of Regulations (hereinafter "CCR"), Title 22, Section 64424(a).

10
11 Applicable statutes and regulations are available on the State Water Board
12 website at:

13 [https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Lawboo](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Lawbook.html)
14 [k.html](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/Lawbook.html)

16 STATEMENT OF FACTS

17 Enza Zaden is classified as a non-transient, non-community public water
18 system with a population of 65, serving 12 connections.

19
20 CHSC, Section 116555(a)(1) requires all public water systems to comply
21 with primary drinking water standards as defined in CHSC, Section
22 116275(c). Primary drinking water standards include maximum levels of
23 contaminants and the monitoring and reporting requirements as specified in
24 regulations adopted by the State Water Board that pertain to maximum
25 contaminant levels.

26
27 CCR, Title 22, Section 64424(a), states that if a routine sample is total
28 coliform-positive, the water supplier shall collect a repeat sample set within
29 24 hours of being notified of the positive result. The repeat samples shall all
30 be collected within the same 24 hour time period.

The State Water Board received a laboratory result for one routine bacteriological sample collected from Enza Zaden on December 10, 2018. The sample tested positive for total coliform bacteria. The total coliform positive sample did not show the presence of *Escherichia coli* (*E. coli*) bacteria. The State Water Board received four results for repeat bacteriological samples collected on December 26, 2018. The repeat samples tested negative for total coliform and *E. coli*.

DETERMINATION

Enza Zaden was required to collect four repeat bacteriological samples within 24 hours of being notified of the positive result during December 2018 following a total coliform-positive routine sample. Enza Zaden failed to collect the four repeat bacteriological analytical samples within 24 hours of being notified of the positive result for December 2018. Therefore, the State Water Board has determined that Enza Zaden has failed to comply with drinking water standards pursuant to CHSC, Section 116555(a)(1) and CCR, Title 22, Section 64424(a) during December 2018.

DIRECTIVES

Enza Zaden is hereby directed to take the following actions:

1. On or before **February 20, 2019**, notify all persons served by Enza Zaden of the violation of CCR, Title 22, Section 64424(a), in conformance with Sections 64463.4(b) and (c) and 64465. The Notification Template to be used to fulfill this Directive is available on the State Water Board website at:

1 https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/
2 [Documents/Notices/Tier%203%20Monitoring%20Violations%20Annu](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/)
3 [al%20Notice.doc](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/)
4

5 The Notification Template must be approved by the State Water
6 Board prior to issuance. Enza Zaden must edit the wording of the
7 sample notification as necessary.
8

9 The notification shall be completed in accordance with the following:
10

- 11 • Posting of the Public Notification in conspicuous places within the
12 area served by the water system. The notice shall remain posted
13 for a minimum of seven (7) consecutive days and;
14
- 15 • By one of the following secondary methods to reach persons not
16 likely to be reached by posting;
17
 - 18 ➤ By publication in a local newspaper or newsletter distributed to
19 customers, by internet posting of the notice or by direct
20 delivery to each customer served by Enza Zaden. If the water
21 system opts to issue the notice via internet website, the public
22 notice shall remain posted for a minimum of seven (7)
23 consecutive days.
24

25 Enza Zaden must determine which option will be used to
26 conduct the secondary distribution of the notice and notify the
27 State Water Board of their decision no later than **February 12,**
28 **2019.**
29

2. Complete Appendix 1: Compliance Certification Form. Submit it together with a copy of the public notification required by Directive 1 to the State Water Board on or before **February 28, 2019**.

3. Enza Zaden shall direct the laboratory to notify Enza Zaden within 24 hours, whenever the presence of total coliforms, fecal coliforms or E. coli is demonstrated in a sample or immediately notify the State Water Board of any positive bacteriological results if the laboratory cannot make direct contact with the designated contact person within 24 hours, as required by CCR, Title 22, Section 64423.1(b).

4. Enza Zaden shall include this violation in the 2018 Consumer Confidence Report in accordance with CCR, Title 22, Section 64481(g)(1).

All submittals required by this Citation shall be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Citation shall include the following information: Water System name and number, citation number and title of the document being submitted.

Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
Dwpdist05@waterboards.ca.gov

The State Water Board reserves the right to make modifications to this Citation as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Citation and shall be effective upon issuance.

1 Nothing in this Citation relieves Enza Zaden of its obligation to meet the
2 requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter
3 4, commencing with Section 116270), or any regulation, standard, permit or
4 order issued or adopted thereunder.

6 **PARTIES BOUND**

7 This Citation shall apply to and be binding upon Enza Zaden, its owners,
8 shareholders, officers, directors, agents, employees, contractors,
9 successors, and assignees.

11 **SEVERABILITY**

12 The directives of this Citation are severable, and Enza Zaden shall comply
13 with each and every provision thereof notwithstanding the effectiveness of
14 any provision.

16 **FURTHER ENFORCEMENT ACTION**

17 The California SDWA authorizes the State Water Board to: issue a citation
18 or order with assessment of administrative penalties to a public water
19 system for violation or continued violation of the requirements of the
20 California SDWA or any regulation, permit, standard, citation, or order
21 issued or adopted thereunder including, but not limited to, failure to correct a
22 violation identified in a citation or compliance order. The California SDWA
23 also authorizes the State Water Board to take action to suspend or revoke a
24 permit that has been issued to a public water system if the public water
25 system has violated applicable law or regulations or has failed to comply
26 with an order of the State Water Board, and to petition the superior court to
27 take various enforcement measures against a public water system that has
28 failed to comply with an order of the State Water Board. The State Water

Board does not waive any further enforcement action by issuance of this
Citation.

Jan R. Sweigert

Jan R. Sweigert, P.E.

District Engineer, Monterey District Office
Northern California Field Operations Branch
Division of Drinking Water

2/6/2019
Date



Appendix:

1. Compliance Certification Form

Certified Mail No. 7008-1830-0004-5435-1322

APPENDIX 1. COMPLIANCE CERTIFICATION

Citation Number: 02_05_19C_005

Name of Water System: Enza Zaden Research Inc.

System Number: 3500927

Certification

I certify that the users of the water supplied by this water system were notified of the bacteriological monitoring violation of California Code of Regulations, Title 22, Section 64424(a) for the compliance period of December 2018 and the required actions listed below were completed.

Required Action	Date Completed
(Citation Directive 1) Public Notification Method(s) Used:	

Signature of Water System Representative

Date

Attach a copy of the public notice distributed to the water system's customers

THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD, DIVISION OF DRINKING WATER, NO LATER THAN FEBRUARY 28, 2019
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Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.